



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

In re Application of: § Atty. Docket No.: 94.0048  
I.J. Najmuddin §  
§  
Serial No.: 10/081,090 § Group Art Unit: 2862  
§  
Filed: February 22, 2002 §  
§  
For: **METHOD AND APPARATUS** § Examiner: T. Hood  
**FOR DETECTING** §  
**FRACTURES USING** §  
**FREQUENCY DATA DERIVED** §  
**FROM SEISMIC DATA** §

MAIL STOP ISSUE FEE  
COMMISSIONER OF PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**CERTIFICATE OF MAILING (37 C.F.R. 1.8a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 8, 2006

Mark R. Wisner, Registration No. 30,603

Date

**REQUEST FOR RE-START OF TIME FOR PAYMENT OF ISSUE FEE**

Dear Sir:

The below-signed Attorney for Applicant received a Notice of Allowance and Fee(s) Due and Notice of Allowability in the captioned application in an envelope bearing a December 17, 2004 postmark yesterday, February 7, 2006. Because the Notice of Allowance and Fee(s) Due was not received until more than thirteen months after it was mailed, the issue fee (due March 17, 2005) was not paid in timely fashion. Although (so far as is known) no notice of abandonment has been received in the meantime, a check of the Office's publicly-accessible PAIR system shows that a Notice of Abandonment was mailed on August 3, 2005.

Because Applicant did not receive the Notice of Allowance and Fee(s) due when it was mailed, Applicant requests that the Commissioner re-start the time for payment of the issue fee in the captioned application. Enclosed herewith is the completed PTOL 85 (Part B – Fee(s) Transmittal) and a form PTO-2038 authorizing the charging of the issue fee to the credit card listed thereon, and it is requested that the issue fee be accepted at this time.

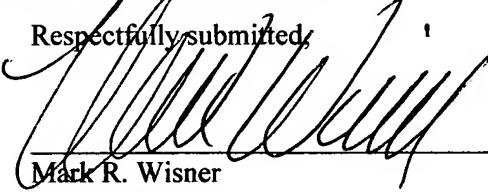
So far as is known, there is no fee for requesting that the time for response be re-started after papers mailed by the Office were not received. In the event a fee is assessed, the

Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,157) in the amount of any necessary fee.

In the event this request for the re-start of the time to pay the issue fee is construed as a petition to revive an unintentionally abandoned application, Applicant respectfully petitions the Commissioner to revive the application under the provisions of 37 C.F.R. 1.137(b) and the Commissioner is authorized to charge the petition fee (37 C.F.R. 1.17(m)) to the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,157). In accordance with the provisions of 37 C.F.R. 1.137(b), a proposed response (in the form of payment of the issue fee) is included herewith, and Applicant affirmatively states that the entire delay in filing the required reply, from the due date until the filing of a grantable petition under 37 C.F.R. 1.137(b), was unintentional. Applicant also respectfully requests a refund of any petition fee that might be assessed as a result of the filing of this request under 37 C.F.R. 1.26 since the late delivery of the Notice of Allowance and Fee(s) Due to Applicant's Attorney was not an event that was within Applicant's control and/or does not represent a failure to act on the part of the Applicant.

The grant of this request for re-start of the time to pay the issue fee, and acceptance of the enclosed issue fee payment, is respectfully requested. In the event a check or Form PTO-2038 for any required fee is inadvertently not enclosed, is insufficient in amount, or inadvertently was not executed, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,157) in the amount of any necessary fee. In the event there are questions regarding this filing, it is respectfully requested that the undersigned attorney for Applicant be contacted at the address and phone number set out below.

Respectfully submitted,



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ATTORNEY FOR APPLICANT

Date: February 8, 2006